

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEMARK, INC.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 2:16-cv-00543-JRG/RSP
	§	
MASABI LTD.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

**PLAINTIFF BYTEMARK, INC.’S NOTICE OF RELEVANT DETERMINATIONS
FROM RELATED PROCEEDINGS**

Bytemark, Inc. (“Bytemark”) Plaintiff in the above-entitled and numbered civil action, files this Notice of Relevant Determinations from Related Proceedings and shows as follows:

1. On February 14, 2018, the Court entered an Order (Doc. No. 137) staying this action pending further order of the Court. On March 29, 2018, Bytemark filed a Motion for Status Conference (ECF No. 138) which the Court denied via an Order entered on May 17, 2018 that stated: “This case remains stayed in because of pending proceedings at the Patent Trial and Appeal Board concerning the invalidity of the patents-in-suit. *See* PTAB-IPR2017-01449; CBM-2018-00011; CBM-2018-00018.” ECF No. 144.

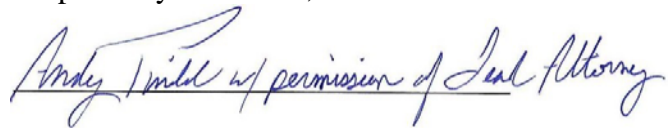
2. In accordance with the Court’s standing orders, Bytemark provides notice to the Court that on July 12, 2018 the Patent Trial and Appeal Board denied in their entirety Third Party Petitions for CBM of both U.S. Pat. Nos. 8,494,967 (CBM-2018-00011, Paper 12) and 9,239,993 (CBM-2018-00018, Paper 11). There are currently no pending petitions or other post-grant proceedings (CBM or IPR) relating to the validity of the ‘993 patent.

3. Regardless of the pending *inter partes* review petition in connection with the ‘967 patent, Plaintiff’s patent infringement claim against Defendant Masabi, Ltd. relating to the ‘993 patent is unencumbered.¹

PREMISES CONSIDERED, Plaintiff Bytemark, Inc. respectfully requests the Court to take notice of the determinations of the Patent Trial and Appeal Board in related proceedings.

Dated: July 23, 2018

Respectfully submitted,

A handwritten signature in blue ink that reads "Andy Tindel w/ permission of Lead Attorney".

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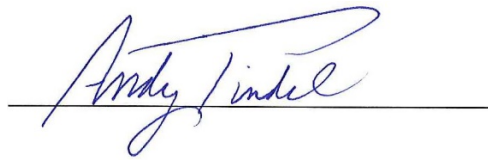
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Attorneys for Plaintiff Bytemark, Inc.

¹ The Patent Trial and Appeal Board will hold a hearing relating to Defendant’s petition for *inter partes* review of the ‘967 patent on August 22, 2018.

CERTIFICATE OF SERVICE

This is to certify that all known counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per E. Dist. Tex. Loc. Ct. R. CV-5(a)(3) on this the 23rd day of July, 2018. Any other known counsel of record will be served with a copy of this document by email and/or facsimile transmission



Andy Tindel